

SPEECH
OF
MR. SCHENCK, OF OHIO,
ON
INTERNAL IMPROVEMENTS.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, DECEMBER 15, 1847.

The following resolution, moved by Mr. VINTON, of Ohio, was under consideration :

Resolved, That the Committee on Commerce shall hereafter be called "the Committee on Commerce among the States," and shall have charge of all questions which may be referred touching the regulation of trade among the several States of the Union. There shall also be added to the standing committees of the House a committee, to be composed of nine members, which shall be called "the Committee on Commerce with Foreign Nations." It shall have charge of all questions concerning the regulation of the trade of the United States with foreign nations.

Pending the discussion of this resolution a special message was received from the President of the United States, in relation to the River and Harbor Bill passed at the close of the last session of Congress, communicating his reasons for retaining that bill and refusing his approval. Motions were made to refer this message, and to print ; in the course of the debate upon which propositions, Mr. SCHENCK addressed the House as follows :

Mr. SCHENCK said : The paper which has just been presented from the President is of a character so anomalous, that it is not to be wondered at, Mr. Speaker, that we should have some little doubt and discussion as to the most appropriate disposition to be made of it. It is no veto message. It is not a communication contemplated to be made by the Executive to Congress under any provision or clause in the constitution. His objections to a river and harbor bill passed by the last Congress are made the pretext for sending his views here now to us in this shape—to us, a different Congress, who can engage in no legislation having reference to that bill. And yet it is not hard to understand the intention and object of the President, nor why such a message is sent here, and at this particular time. It is "a speech from the throne," very literally a *speech* from the throne, and nothing more nor less. It is the Executive argument against internal improvements, elaborately prepared, and then conveniently reserved until some fitting occasion should present itself when the subject was before the House for debate. If there had been any doubt about this cunning purpose of the President, it was made apparent by what transpired when the message was

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brought in. One gentleman among the friends of the Executive, (Mr. THOMPSON, of Mississippi,) understood at once that the Private Secretary was charged with the delivery of something which "related to the subject matter now under consideration," and so appealed to the gentleman from South Carolina (Mr. WOODWARD) to yield the floor to Mr. President. And when some gentleman from this side of the House, my neighbor from North Carolina, (Mr. CLINGMAN,) I believe, remarked that the communication "was nothing upon which the House could act," it was very significantly replied, and so loud that we could none of us avoid hearing, by another gentleman over the way, that it "was something which would act on the House, though!" I have no doubt, Mr. Speaker, that that gentleman has construed the object of the message with admirable accuracy. Why, sir, in the annual message of the President, sent to us last week, there was not one word to be found in its whole protracted length—not an allusion, I think, to the subject of rivers and harbors, or any improvements of the country. My constituents, and all the people in the great interior of the country, will be dissatisfied, if not astonished, by such omission of attention to these important interests; but here we have the explanation; the President was holding back to throw in his argument against these great interests when it might be supposed to have the most effect, and he makes of the bill of the last session, which he refused to approve, the hook to hang his arguments on. His friends have their cue now. They are the orders from the palace. But will the independent Democrats from the North and West be obedient to the royal behest? Will it "act" upon them? We shall see. I think not.

Considering this, then, as no more than the Executive speech, volunteered in the course of this debate, I am not entirely prepared to say that we should raise a select committee to consider and report upon it. My colleague, (Mr. VINTON,) makes that proposition; and the gentleman from Pennsylvania, (Mr. STEWART,) suggests that such a committee should consist of one member from each State of the Union. I regret to feel obliged to differ from both these gentlemen. I doubt if such consideration should be given to this paper, any more than we would dignify in that way any other argument made in the progress of the debate. It seems to me that the message should take the ordinary course, and lie upon the table, when there is no action of the House to be required as consequent upon it. I have no objection to its being printed, provided no extra copies are to be ordered. Indeed I wish to see and examine it further. Let us have it in the usual shape for the use of members. As to sending out a reply with it in the shape of a report, if that were even necessary, gentlemen may be sure that it will at once be made public through the newspapers, either in its entire length or in the form of abstracts of its contents, in cases where editors or printers cannot accommodate the whole of it. For myself I want it to go abroad and be read by the people. I am not afraid of its influence, nor of the issues it makes against those interests and claims of the country which it attacks and denounces.

But there is an additional reason against a reference to a select committee, in the pendency of the resolution of my colleague, (Mr. VINTON,) to substitute for the Committee on Commerce, two committees, one to have charge of foreign commerce and the other of commerce among the States. In case of such separate committees being formed, the committee on commerce among the States would certainly be the proper and appropriate one for this reference.

Let me say a word here, Mr. Speaker, as to that proposition of my colleague. He moves that the present Committee on Commerce be made the committee on commerce among the States, and would create an entirely new committee for foreign commerce. At a proper time I shall move an amendment providing that

directly the reverse be the organization and arrangement of those two committees: that the committee as it now exists shall be the committee on foreign commerce, and the new one to be raised the committee on commerce among the States. I find cause for this in the constitution of the present committee, without disparagement of the ability of any of the worthy and honorable gentlemen who compose it. Looking at its composition it will be seen that it is made up of six members from the Atlantic States; (some of them, it is true, not immediately on the seaboard,) one from the extreme Southwest, and two only out of the nine from the West proper. There is in fact found upon it but one single member representing country on the Mississippi, the Missouri, the Ohio, or any of their tributaries, unless indeed in that category we place the honorable gentleman from Louisiana, (Mr. THIBODEAUX,) who has heretofore so worthily occupied a place on the Committee on Commerce, and whom I have before mentioned as coming from the extreme Southwest.

But to the message. I regret that I did not hear it more distinctly as it has been read from the Clerk's desk. It struck me, as far as I was able to gather anything of its contents, as being for the most part a serving up and elaborate presentation of the old arguments against the existence of any power in Congress to take care of the great commercial and interior interests of the country. But it certainly contains one thing that I heard, which, as far as I know, is entirely new. We have had various tests proposed from time to time, on the part of those opposed to internal improvements, for determining whether appropriations from the National Treasury and their application to such objects were constitutional or not. There is the *chemical* test referred to to-day, making all to depend upon the fact whether the waters to be improved are salt or fresh. Then, connected with that, is what I would call the *ichthyological* test, whether the fish which frequent the harbors or rivers, where you would expend your money, are from the sea or found only in fresh water. There is the *meteorological* test sometimes proposed, to be found by watching the course of the tides and the distance to which they ascend; and Gen. Jackson, less contracted in his views of the constitution than "Young Hickory," was willing to expend money freely for these purposes, so only that it should all be below a port of entry. That was a *legislative* test, and a very convenient one too, inasmuch as Congress has power by law to establish a port of entry where it will, even though it should be at the source of the smallest creek, or on the top ridge of the Alleghany mountains! We have also the *geographical* test, which determines the constitutionality of a work upon the question whether it lies within a State, or is cut by the dividing line of two or more. And I know not how many more of these solvents of constitutional doubts and difficulties there may be; but the President has now hit on one that is surely a novelty. If a patent is to be taken out for the discovery, I trust that no one will interfere with his claim. In that part of his message which seems to treat of the definition of the terms "river" and "harbor," and to be, as far as I could hear and understand, a sort of lecture therefore on the elements of geography, and after he has taken the bold ground that you cannot help nature at all, can make no improvement in aid of navigation, he comes to the conclusion that the constitutional difficulty is here: a harbor or inlet may by nature be deep enough to admit a schooner, but then you have no right to deepen it so as to admit ships of heavier burden; and there is no power, where a boat can go in, to do anything which might let in a schooner.

Hereafter, then, the constitution is to be measured only by line and lead. [A laugh.] A vessel with a deep keel must take care lest it run against one of these constitutional shoals; but one of your flat-bottomed coasters might get

into the same harbor and ride securely under the protection of the supreme law, the great organic law of the United States. It would bother gentlemen exceedingly, I think, to decide the character and constitutional privileges of one of those centre-board vessels to be found on the lakes and in the bays on the Atlantic coast, in which the constitution could be let up or down [laughter] at the pleasure of the navigator. Hereafter all vessels that navigate along the shores of the United States, whether of the lakes or the ocean, instead of a chart, should be provided with a copy of this message, and your man in the bows, as in the approach to land he comes to soundings, must heave the lead as before, but instead of the usual sailor cries, "by the deep six"—"by the mark five"—"quarter less four"—must cry, "*con-sti-tu-tion-al*"—"un-con-sti-tu-tion-al"—as he measures the depth of water over which he is sailing into port. [General merriment.] Then, at that last fearful cry of warning, "Put your helm hard down—hard down!" will shout Skipper Polk. And so will not only your little venturesome coaster, but the ship of state itself, be saved from wreck upon the shoals of the constitution! It will be no objection, I suppose, that your constitutional powers, under this rule of navigation, will have to rise and fall with the tide. [Laughter.]

Mr. Speaker, I repeat, this is a rare and new test or discovery as to constitutional appropriations; and perhaps there may be in this, if in nothing else, an argument for sending the message to a select committee. Perhaps further examination will lead to other discoveries of views equally novel and important.

In truth, we have now at last ascertained what system of "protection" our President and those of his party who think with him, are willing to favor. Not protection by providing for the safety of the *lives and property* of the people, exposed to the perils of inland or seaboard navigation, any more than protection of their *labor* by discriminating legislation on another subject; but the snags and rocks, and sandbars in your rivers, the bars which obstruct the entrance to your harbors, all these are to have extended over them, according to this modern creed of democratic construction, the protecting ægis of the constitution! You shall not disturb *them*, says the President.

I might say something here, Mr. Speaker, on what some might consider a slight inconsistency in the views of the Executive, who finds such formidable, such insuperable objections to expending a single dollar for works of improvement at home, and for the developement of the great resources of our country, and nevertheless instructs his commissioner in Mexico to negotiate with the Government of that Republic (if he can find any there) to secure the right of way across the isthmus of Tehuantepec. (Mr. S. said he hoped he pronounced the name of the place correctly. We should all learn better, he supposed, when we get some Mexican representatives here—not such "Mexicans" as gentlemen over the way have sometimes been pleased to hint at—but real Mexicans, direct from the "Halls of the Montezumas," coming here to take their seats in a Congress of the United States. They would perhaps teach us thick-tongued Anglo-Saxons to give due utterance to what seem now, to some of us, very strange and hard words. And he was more particularly anxious about it, as he enjoyed the distinguished honor of being chairman of the Committee on Roads and Canals, and, for aught he knew, that part of the message might yet be referred to that committee.) From that other executive light, the second officer in the Government, the public has learned that this right of way over the isthmus is wanted for the purpose of digging a canal. And now here is a President who cannot let our little coasting vessels go along the shores of our States without a risk of their stranding on the constitution, but who is able to overleap

a quarter of the continent and find authority to dig a canal to connect the waters of the Atlantic and Pacific oceans!

And now a word about one of those other tests of the constitutionality of works of internal improvement. Some decide that there can be no appropriation which is to be expended on any work lying entirely within the limits of a single State. Such work, they say, is necessarily *local*. Let me meet this common objection, and illustrate what it leads to by one or two plain instances. There is the proposed canal around the falls at the Sault St. Marie. As the settlements on Lake Superior increase, and the great mineral wealth of that region is more and more made available, there is no improvement so short and easy of construction as a ship canal at that point, which would so immensely affect the interests of a large section of this Union. It is not only New York, Pennsylvania, Ohio, Michigan, and the country generally near the lower lakes, that is to be benefitted by such a work, but through them all the commerce of the East, the West, and the whole country. All will be deeply interested in clearing from obstruction and keeping open any such great avenue of trade and travel. And yet that contemplated work lies all within the State of Michigan, and would be termed local, and not within the purview of national legislation and appropriation. And there, also, is the canal around the falls of the Ohio. It lies only in Kentucky, cutting no dividing line of States. But the whole Mississippi valley is deeply interested in that work; and the Mississippi valley is the granary of the Union. Every barrel of flour or of pork, every pound of tobacco or of hemp, and all the rich productions which float down the Ohio from upper Kentucky and Indiana, from Ohio, Virginia, and Pennsylvania, pay tribute to that canal. The tariff of tolls imposed there is laid upon every package of all the vast amount of merchandise ascending to the upper country; upon all the sugar, cotton, and other staples of the South. Is not the people of the whole wide country, as well as every farmer and trader in the interior States, interested in having that channel of commerce made a free national thoroughfare? Then the navigable waters of the Maumee river and bay, in Northwestern Ohio, they say, must not be improved, because lying altogether within the limits of my State. Yet, if the lines of the States into which the Northwestern territory was divided had been run east and west, instead of north and south, as they are; or if the border difficulty between Ohio and Michigan had been settled otherwise than it was, improvements there would have been perfectly constitutional. And yet, in one case as in the other, the same population, the same country, the same interests would be affected and benefitted by the improvement. Why, Mr. Speaker, in one sense every work of internal improvement may be said to be local. There is no disputing the truism that every river, every canal, every road, every harbor, and bay must be *somewhere*. But these things must be considered in their connexion, and in relation to the extent of country and population to be affected by them. That is the true test; and if, considered in that light, they are *national* in their character, I know of no more judicious and wholesome use of the treasure of the nation than to foster, encourage, and provide for them. Of this nationality of a work, or an appropriation, Congress must at last be the judge. It is the same sort of discretion which they must exercise in every other instance of the use of power conferred upon the legislative department; and I am sure there is nothing to be justly called latitudinarian or dangerous in the opinion, as applied to this or any kindred subject.

Sir, I have no wish, strongly as I favor this system of internal improvements, to see appropriations made for any but what I deem to be works of really national importance and interest. Neither do I desire to see the interests of

the East and the West or the South separated, or treated as if antagonistic to each other. On the contrary, I deprecate any such feelings.

What I have said of rivers and harbors, applies equally to roads and canals—if only they be shown to be works proper for national consideration and undertaking. I am not one of those other modern constructionists who believe the constitution is *not amphibious*. It has life and energy to promote the prosperity of the country on land as well as on water—on the great table lands of the interior, as well as along the seacoast, the shores of lakes, or the channels of rivers.

I would contract no debt for these works. My colleague (Mr. VINTON) has, with his usual ability, triumphantly answered that portion of the message in which the President charges that if the system of improvements had been pursued, as conducted under former Administrations, the country would now have been involved in a debt of two hundred millions. It was most clearly proved that there has never been a party favoring internal improvements who were willing to borrow money for conducting them. Nor is the position shaken by the reply of the gentleman from Virginia, (Mr. BAYLY.) He instances the course of the several States, and says that they borrowed money, expended it in improvements, and became overwhelmed in debt, and in some cases were brought to repudiation. Let me, in passing, here remark, as I do most proudly, that that charge can never attach to my own State. Although Ohio has been among the foremost in great works of internal improvement, and has contracted debt for that purpose, she has paid the interest always on her bonds with entire punctuality and untarnished honor, and provides also a sinking fund to discharge, as it shall become due, the principal; and her people are ready to submit to any burden of taxation which may be necessary to keep up her fair fame. But the gentleman from Virginia says that because the States so involved themselves, the General Government must have done the same; and by that proposition he would sustain the President's assertion. That is, *if* the United States had borrowed money and gone in debt, why *then* they would have been in debt!

But the gentleman from South Carolina (Mr. RHETT) is alarmed at the suggestion that a committee of this House—or a home department, if one should be established—might engage in the collection of statistics with a view to these internal improvements. And what if that should be done? It is but collecting information upon which to legislate understandingly. There is no cause to fear that inquisition which he apprehends. There needs no domiciliary visits to learn the resources of a country, its productions, its wants, the elements of its trade and prosperity. If the power to regulate commerce among the States is in Congress—and it cannot be denied, for there it stands recorded and granted in terms in the constitution—then all the power to collect the necessary information for acting wisely in the exercise of such power follows as a necessary incident. It is so in other things. At this very time, and for two or three years past, the President has under appointment, and in the employ of Government, at least two parties—one under the direction, I remember, of Dr. Dale Owen—making a topographical survey of the lands in the far West—in that new proposed territory of Minnesota, and the great wilderness south of Lake Superior. Why are they there, and how engaged? They are ascertaining the heights of mountains, the qualities of soil, seeking for beds of ore, and studying the geological formation, as well as the external features of that wild and distant part of the public domain. We have had through the Executive, and are still to have, reports of their proceedings. I make no objection to it. But whence came such power in the Executive, or in any department of this Government, as would authorize expeditions of this kind. It is an implied power derived

clearly from that which is expressed. We have power to legislate, and the President has power to act, in reference to the proper management and disposition of the public lands. In order to legislate wisely and judiciously, and to manage these lands properly, it is required to have information in regard to them—their situation, character, and quality. The procuring by such means this information is incident to action on the main subject. But these are “statistics” of which the gentleman from South Carolina has such dread. Why, sir, it would seem as if that gentleman could see in each one of these innocent surveyors and scientific gentlemen, as he trudges through the swamps out there, or climbs the hill sides, with his barometer swung at his back, an armed enemy of our country; and when one of them, in his geological researches, goes pecking with his little hammer among the rocks and stones to see whether he finds gneiss or sandstone, or lime, he frightens a strict constructionist as if he were battering away at the foundations of our constitutional liberty!

I understand, Mr. Speaker, too, that this President, so squeamish about constitutional power, has sent a party of naval officers* to survey, explore, and bring home a report of the character and peculiarities of the shores and waters of the Dead Sea! Well, it may be all right; but where gets he power for that! He cannot find warrant, it seems, for surveying one of our own magnificent lakes. If it be not altogether Quixotic, it would seem that he must have some other object than the purposes of commerce or navigation in view in such an expedition; perhaps he has heard of and hunts for those Dead Sea fruits, which we are told look fair to the eye but turn to ashes on the lip—like many of the fruits of the modern Democracy which he professes.

All the powers needed for works of improvement, says the President, are with the States, and by them only should be exercised, if at all, however national the object. And, as I understand the argument, he seems to prove the efficiency as well as the propriety of this State system, as opposed to the exercise of any power by Congress, by pointing to the examples of Virginia and South Carolina and other States, whose legislation for such purposes he cites. Sir I wish to say nothing disparaging of any State, old or new; to make no invidious comparisons. But it will surprise, I know, the people of the West if we are to understand that the President means to enforce his views of the better plan and system of improvement by the example of Virginia, for instance. God bless the Old Dominion! She is identified with much of the best history of our common country, and I wish her all prosperity; but we can hardly be persuaded to take her, with her abstractions upon these great questions, and her practical working under them as our guide. There is not a State in the Union more blessed by Heaven with abundance of natural resources for prosperity; but we cannot regard her as an instance of the best development of those resources in her institutions and public works. Perhaps it may be that we are too utilitarian in my part of the country. Born in the West and educated with the habits of thought which prevail there, it may be that I regard too highly a spirit of progressive energy, stimulating to the development and improvement of all the capacities of our country and people, and leaning to the most liberal construction of the powers of the General Government. The Virginian may be wiser who prefers to sit down and indulge rather in speculation upon, and opposition to, the exercise of what he conceives to be doubtful powers. His political emblem, perhaps, should be Memory, looking back upon the past, and thus, with eye averted from her path, running a hazard of blundering as she advances. I confess that I prefer for my State, that more cheerful goddess Hope, who gazes eagerly into the future, and cares little for the past, except as it may afford firm ground from which to leap again and more vigorously forward.



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